

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON R. DARE,
Petitioner,

v.

1:06-CR-429 (LEK)

UNITED STATES OF AMERICA,

Respondent.

DECISION and ORDER

On November 13, 2006, Petitioner Aaron R. Dare pled guilty to a three-count information charging him with wire fraud, causing false statements to be made on HUD-insured loans, and mortgage fraud conspiracy. On September 18, 2008, Petitioner was sentenced to 63 months imprisonment, three years supervised released post-incarceration, special conditions, a special assessment and restitution. On December 12, 2008, Petitioner moved to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Dkt. No. 41. Petitioner also filed a Motion to proceed *in forma pauperis*. Dkt. No. 42. There is no filing fee required for § 2255 petitions. However, the granting of *in forma pauperis* status may enable the Petitioner to avoid other fees, such as fees for the production of transcripts related to his case.¹

¹28 U.S.C. § 753(f) provides that:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal *in forma pauperis* shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Based upon a review of the Petitioner's *in forma pauperis* declaration, the Court concludes that Petitioner may properly proceed with this matter *in forma pauperis*.

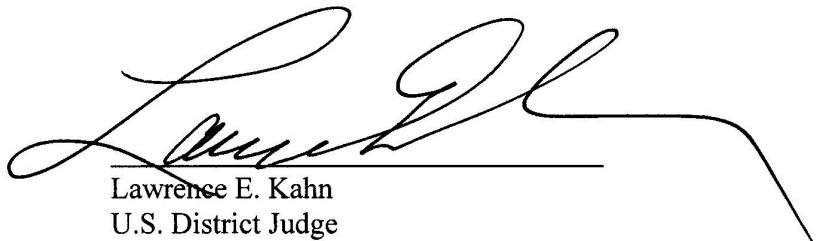
For the foregoing reasons, it is hereby

ORDERED, that Petitioner Aaron R. Dare's application to proceed *in forma pauperis* (Dkt. No. 42) is **GRANTED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

DATED: January 07, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge

A handwritten signature in black ink, appearing to read "L E Kahn". Below the signature, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge" in a smaller font.